IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 32247 of 2007(L)

OS.449/1999 of MUNSIFF COURT, KODUNGALLUR
.....

PETITIONER:

KAMALAKSHI AMMA, AGED 68 YEARS,
D/O. AMMUKUTTY AMMA, PUTHENVEETTIL,
PERINJANAM VILLAGE, KODUNGALLUR TALUK.

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENTS:
---

1. KUNCHUKUTTY AMMA,
D/O. PUTHANVEETIL PARU AMMA,PERINJANAM VILLAGE &
DESOM, KODUNGALLUR TALUK.

2. VISALAKSHI, D/O.KUNCHUKUTTY AMMA -DO-.

3. UNNIKRISHNAN, S/O.KUNCHUKUTTY AMMA -DO-

4. CHANDRAMATHY, D/O.KUNCHUKUTTY AMMA -DO-

5. VIJAYAN, S/O. KUNCHUKUTTY AMMA -DO-.

6. SREENIVASAN, S/O.KAMALASHI AMMA, -DO-.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Appendix

Petitioner's Exts:

Ext.P1 true copy of IA 1496/06 in OS 449/99 of Munsiff Court, Kodungallur.

Ext.P2 true copy of the order in IA 1496/06 in OS 449/99 of Munsiff court Kodungallur dated 6.10.2006.

Ext.P3 true copy of I.A 1495/06 in OS 449/99 of Munsiff Court, Kodungallur.

Ext.P4 true copy of judgment in OS 449/99 dated 6.10.06 of Munsiff Court, Kodungallur.

Ext.P5 true copy of the decree in OS 449/99 dated 6.10.06 of Munsiff Court, Kodungallur.

M.N.Krishnan, J.

==========

W.P(C).No.32247 of 2007

==========

Dated this the 30st day of October, 2007.

JUDGMENT

This Writ Petition is filed against the order of the Munsiff Court, Kodungallur in dismissing the case for non-prosecution. Dismissal of the case for non-prosecution is equivalent to dismissal for default and Order 9 Rule 9 of C.P.C. will squarely apply. Therefore, this Writ Petition is not maintainable. It is also submitted that the matter has been settled between the parties out of court.

Writ Petition is dismissed.

M.N.Krishnan,
Judge.

ess 31/10